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Letter dated 26 June 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I wish to bring to your attention the views of the Islamic Republic of Iran on the fifth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015), contained in document S/2018/602, as follows:

(a) The statement of the Islamic Republic of Iran following the adoption of United Nations Security Council resolution 2231 (2015), which is reflected in the annex to document S/2015/550, and the positions contained therein, especially paragraphs 5, 6, 8 and 11, are hereby reiterated;

(b) Since the issuance of the fourth report of the Secretary-General on the implementation of Security Council 2231 (2015) (S/2017/1030), on 8 December 2017, the most blatant material breach of the Joint Comprehensive Plan of Action (JCPOA) and brazen non-compliance with Security Council resolution 2231 (2015) has occurred as a result of the unilateral and unlawful decision of the President of the United States on 8 May 2018 "to cease the participation of the United States in the JCPOA" and "to reimpose all United States sanctions lifted or waived in connection with the JCPOA". The dimensions and consequences of such grave non-compliance with Security Council resolution 2231 (2015) deserved to be adequately elaborated in the fifth report of the Secretary-General; however, the report falls short of doing so. At the minimum, the report should have noted the concerns expressed by the overwhelming majority of Member States regarding the grave implications of the unilateral and irresponsible conduct of the United States towards the JCPOA for the rule of law, multilateralism, nuclear non-proliferation and the very foundation of diplomacy;

(c) While in the report the Secretary-General "deeply regrets" the recent United States action as a "setback to the Joint Comprehensive Plan of Action" and recognizes that the Plan "has contributed to regional and international peace and security", concrete measures in support of the continued implementation of the JCPOA could have been recommended, including calling upon the Security Council to take urgent action to condemn the United States and hold it accountable for the consequences of this reckless and wrongful act that flagrantly violated Security Council resolution 2231 (2015), the international law and the Charter of the United Nations. Providing such a recommendation is fully in line with paragraph 2 of resolution 2231 (2015), in which the Council "calls upon all ... international organizations to take such actions as may be appropriate to support the implementation of the JCPOA";

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(d) The report correctly points out that "the Plan, which was unanimously endorsed by the Security Council in its resolution 2231 (2015), laid out reciprocal commitments" and that the recent violation of the JCPOA by the United States occurred in the face of "continued adherence by the Islamic Republic of Iran to its nuclear-related commitments". In his letter regarding the United States' latest violation of the JCPOA (A/72/869-S/2018/453), the Minister for Foreign Affairs of the Islamic Republic of Iran, M. Javad Zarif, illustrated that the prolonged and multiple cases of significant non-performance of the JCPOA by the United States over the last three years, culminating in its unlawful withdrawal from the JCPOA and reimposition of unilateral sanctions, have caused irreparable harm to Iran and its international business relations. In this context, there shall be no doubt that if, after the exhaustion of available remedies, the rights and benefits of the Islamic Republic of Iran are not fully compensated, it is Iran's unquestionable right — recognized also under the JCPOA and Security Council resolution 2231 (2015) — to take appropriate actions and to treat the reimposition of nuclear-related sanctions by the United States 'as grounds to cease performing its commitments under [the] JCPOA in whole or in part";

(e) The JCPOA Joint Commission meeting on 25 May 2018, which was briefly referred to in the report, was convened upon the request of the Islamic Republic of Iran in order to review the implications of the withdrawal of the United States from the JCPOA and discuss the way forward to ensure the continued implementation of the deal in all its aspects. As reflected in the statement issued following the meeting (see annex), participants "recognized that the lifting of nuclear-related sanctions allowing for the normalization of trade and economic relations with Iran constitute essential parts of the JCPOA", "reviewed the potential impact of the reimposition of US sanctions following a meeting of the Working Group on the Implementation of Sanctions Lifting" and "discussed common efforts with a view to practical solutions concerning the following issues within the next few weeks: maintaining and deepening economic relations with Iran; the continued sale of Iran's oil and gas condensate, petroleum products and petrochemicals and related transfers; effective banking transactions with Iran; continued sea, land, air and rail transportation relations with Iran; the further provision of export credit and development of special purpose vehicles in financial banking, insurance and trade areas, with the aim of facilitating economic and financial cooperation, including by offering practical support for trade and investment ...";

(f) As elaborated in my letters dated 17 July 2016 (S/2016/626), 18 January 2017 (S/2017/51), 29 June 2017 (S/2017/560) and 19 December 2017 (S/2017/1075), any report on the implementation of Security Council resolution 2231 (2015) without the necessary information on the implementation of its annex A and the commitments of all participants of the JCPOA fails to furnish a complete picture to the members of the Council, as well as the international community, about the implementation of the resolution. Thus, we continue to urge the Secretariat to respect the scope of its reporting mandate, contained in paragraph 7 of the note by the President of the Security Council (S/2016/44);

(g) United States actions and omissions defy Security Council resolution 2231 (2015) and its annex B. The Security Council, in its resolution, emphasizes that "the JCPOA is conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with the Islamic Republic of Iran", "urges its full implementation on the timetable established in the JCPOA" and "calls upon all Member States ... to support the implementation of the JCPOA, including by taking actions commensurate with the implementation plan set out in the JCPOA and the present resolution and by refraining from actions that undermine implementation of commitments under the JCPOA". Many actions of the United

States and some of its regional allies defy, inter alia, these provisions. The United States has also rendered the case-by-case authorization mechanism elaborated in paragraphs 4 to 6 of annex B useless in such a way that not a single case has been considered by the Council so far. Some concrete examples of their behaviour in violation of annex B were illustrated in my letter dated 28 August 2017 (S/2017/739). My Government urges the Security Council and the Secretary-General to consider concrete guarantees to ensure effective and functional implementation of the "case by case" authorization mechanism set forth in paragraphs 4 to 6 of annex B. Otherwise, implementation of the said provisions by Member States would no longer have logical merit;

(h) Paragraphs 10, 12, 26, 27, 28, 29, 30, 31, 32, 38, 39 and 40 of the report concern the Secretariat's continued engagement in the examination of information and verification trips regarding alleged actions. These activities continue to take place without even prior notification to, let alone seeking authorization of, the Security Council, contrary to paragraphs 6 and 10 of the note by the President of the Security Council (S/2016/44). As a result of the Secretariat's deviation from its mandate, its findings or observations emanating from such extralegal activities lack credibility and legitimacy;

(i) The report of the Secretary-General shall be based upon authenticated information from reliable and credible sources. However, paragraphs 11, 13, 14, 30, 34, 42, 43 and 47 of the report suggest that the Secretariat extracted allegations from unreliable media sources and, in some instances, such as in paragraph 43, even interpreted them in a biased manner. While under paragraph 2 of resolution 2231 (2015), the Secretariat itself is under the obligation to refrain "from actions that undermine implementation of commitments under the JCPOA", unfortunately, its insistence on this unacceptable practice provided a platform for giving credit to unfounded allegations against Iran and undermining the JCPOA and its implementation;

(j) The report contains a number of allegations, misinformation and unnecessary details, such as those in paragraphs 11, 12, 13, 22, 24, 26, 31, 34, 36, 38, 39, 40 and 43, which have, in whole or in part, already been proved baseless. We believe that these flaws and shortcomings shed doubts on the integrity and credibility of the report;

(k) Information contained in paragraphs 44 and 47, regardless of their authenticity, does not concern activities subject to annex B and its paragraph 6. In future, the Secretariat should refrain from including such information in its reports;

(l) Most of the information in paragraphs 10 and 25 to 32 has already been addressed in my letter dated 21 February 2018 (S/2018/145). There is no reliable information regarding the speculation presented in paragraph 30 over a specific missile, and it is worthy of note that evidence projected by the violations of international law has no probative value. Claims with regard to such attribution, including similarities between logos found on components and trademarks belonging to certain companies in Iran, are inaccurate and flawed;

(m) Most allegations in the report, like previous ones, are presented by Israel, Saudi Arabia, the United Arab Emirates and Bahrain, which have a record of non-compliance with Security Council resolution 2231 (2015), including its paragraph 2. Those who favoured the United States withdrawal from the JCPOA made every effort to prevent its conclusion and then tried to undermine its implementation, including by the killing of Iranian nuclear scientists, making preposterous shows and exerting pressure, shall not be considered reliable sources of information with good faith. Regrettably, the current practice of the Secretariat has led to the proliferation of allegations by the same countries. It is expected that the Secretariat would pay

attention to the positions and measures of the aforesaid countries taken against the JCPOA and remind them of their explicit obligations under Security Council resolution 2231 (2015) "to support the implementation of the JCPOA, including by taking actions commensurate with the implementation plan set out in the JCPOA and the present resolution and by refraining from actions that undermine implementation of commitments under the JCPOA";

(n) The Islamic Republic of Iran is determined to actively contribute to the promotion of peace and stability in the region in the face of the increasing threat of terrorism and extremism, consistent with its international commitments. In this regard, Iran stands ready to fully cooperate with its neighbours and the international community in dealing with this common global threat.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

Annex to the letter dated 26 June 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Chair's statement following the 25 May 2018 meeting of the Joint Commission of the Joint Comprehensive Plan of Action

A meeting of the Joint Commission of the Joint Comprehensive Plan of Action (JCPOA) took place in Vienna on 25 May 2018 upon the request of the Islamic Republic of Iran in order to review the implications of the withdrawal of the United States from the JCPOA and discuss the way forward to ensure the continued implementation of the deal in all its aspects.

Under the terms of the JCPOA, the Joint Commission is responsible for overseeing the implementation of the nuclear deal.

The Joint Commission was chaired, on behalf of EU High Representative Federica Mogherini, by EEAS Secretary-General Helga Schmid and, following the withdrawal of the United States of America from the JCPOA, was attended by the E3+2 (China, France, Germany, Russia, United Kingdom) and Iran at the level of Political Directors/Deputy Foreign Ministers.

The International Atomic Energy Agency (IAEA)'s Director General Amano was present at the beginning of the Joint Commission against the background of the 11th report by the IAEA which had just been issued. The participants welcomed the fact that the IAEA has again confirmed the continued adherence by Iran to its nuclear-related commitments. They also commended the professional and impartial role played by the IAEA, the only body charged with the monitoring and verification of the implementation by Iran of its nuclear-related commitments under the JCPOA and UN Security Council Resolution 2231 (2015).

Participants regretted the withdrawal of the United States from the nuclear deal and the announced re-imposition of US sanctions lifted under the JCPOA. The JCPOA is a key element of the global non-proliferation architecture and a significant diplomatic achievement endorsed unanimously by the UN Security Council in its Resolution 2231.

The Joint Commission meeting provided the opportunity to address the unilateral withdrawal of the United States and its consequences, to discuss the way forward, and the continued implementation of the JCPOA with regard to nuclear and sanctions lifting-related commitments as well as Procurement Channel matters and civil nuclear cooperation.

Participants recalled their commitment to the continued, full and effective implementation of the JCPOA in good faith and in a constructive atmosphere and recognised that the lifting of nuclear-related sanctions allowing for the normalisation of trade and economic relations with Iran constitute essential parts of the JCPOA.

Participants reviewed the potential impact of the re-imposition of US sanctions following a meeting of the Working Group on the Implementation of Sanctions-Lifting, which was convened the day before.

In this regard, participants discussed common efforts with a view to practical solutions concerning the following issues within the next few weeks: maintaining and deepening economic relations with Iran; the continued sale of Iran's oil and gas condensate petroleum products and petrochemicals and related transfers; effective banking transactions with Iran; continued sea, land, air and rail transportation

relations with Iran; the further provision of export credit and development of special purpose vehicles in financial banking, insurance and trade areas with the aim of facilitating economic and financial cooperation, including by offering practical support for trade and investment; the further development and implementation of Memoranda of Understanding and contracts between third-countries companies and Iranian counterparts; further investments in Iran; the protection of economic operators and ensuring legal certainty; the further development of a transparent, rules-based business environment in Iran.

These efforts are aimed at preserving the interests of businesses and investors engaged with Iran. Participants noted that economic operators pursuing legitimate business with Iran were acting in good faith based on commitments contained in the JCPOA and endorsed at the highest level unanimously by a UN Security Council Resolution.

Participants stressed their commitment to work to ensure that these benefits would continue to be delivered and agreed to this end to deepen their dialogue at all levels, including at the level of experts with a view to finding practical solutions to these problems.

Participants agreed to intensify their ongoing work in the Joint Commission and all its bodies in the format of E3/EU+2 and Iran, in particular the Working Group on the Implementation of Sanctions-Lifting.

As a next step, Iran proposed a Ministerial meeting of the Joint Commission.